

HOUSE BILL No. 1792

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-4.5.

Synopsis: Selection of national party convention delegates. Requires a major political party of the state that wants its candidates for President of the United States to appear on the primary election ballot to elect at least 50% of the delegates the state party is entitled to send to its national convention at district conventions held in each of Indiana's congressional districts. Requires a candidate for national convention delegate at the district convention to state the name of the candidate for President of the United States whom the delegate candidate supports. Requires all the district conventions to be held not later than the first Tuesday after the first Monday in January.

Effective: July 1, 2005.

Grubb, Thompson

January 19, 2005, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1792

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) This section applies to
3 candidates affiliated with a major political party of the state **that**
4 **selects its delegates to the party's national convention as provided**
5 **in IC 3-10-4.5.**

6 (b) A candidate of a major political party for nomination for the
7 office of President of the United States during the period under
8 IC 3-8-2-4 in which a declaration of candidacy may be filed for the
9 primary election held in the year in which a President is to be elected,
10 shall file with the election division a request that the candidate's name
11 be placed upon the ballot under the label of the political party whose
12 nomination the candidate is seeking.

13 (c) A candidate described under subsection (b) may, in the
14 alternative, file the request with the secretary of state. If the secretary
15 of state receives a request under this subsection, the secretary shall
16 immediately forward the request to the election division.

17 (d) Notwithstanding subsection (b), a request filed on the final day

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permitted under subsection (b) must be filed with the secretary of state. For all other purposes under this title, a request filed with the secretary of state is subject to the same procedures and requirements as a request filed with the election division.

SECTION 2. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by **the following:**

(1) A copy of the certificate made under IC 3-10-4.5-5 by the state chairman of the political party with which the candidate is affiliated.

(2) A petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 3. IC 3-8-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A request or petition filed under this chapter is not valid unless:

(1) the petition; and

(2) the certificate of the state chairman of the political party that is affiliated with the candidate, as required under section 2 of this chapter;

are received in the office of the election division by noon Indianapolis time on the final day for filing a declaration of candidacy under IC 3-8-2-4 before a primary election.

SECTION 4. IC 3-8-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. **(a)** A delegate or alternate delegate selected ~~from a congressional district~~ to the national convention of a political party **at a district convention under IC 3-10-4.5** shall, on the first ballot at the national convention, support

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the candidate for President of the United States ~~who received the highest number of votes in the congressional district at the primary election whom the delegate pledged to support at the district convention that elected the delegate~~ if the ~~person~~ candidate whom the delegate pledged to support is in fact a candidate at the national convention.

(b) A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention.

SECTION 5. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

- (1) Lieutenant governor.
- (2) Secretary of state.
- (3) Auditor of state.
- (4) Treasurer of state.
- (5) Attorney general.
- (6) Superintendent of public instruction.

(b) The convention shall also **do the following:**

- (1) Nominate candidates for presidential electors and alternate electors. ~~and~~
- (2) Elect:

(A) the delegates **not elected under IC 3-10-4.5;** and

(B) the alternate delegates;

to the national convention of the political party.

SECTION 6. IC 3-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) **Subject to subsection (b),** the state committee of the political party holding a state convention shall determine the procedure for nominating candidates and electing delegates and alternate delegates to the national convention.

(b) **A political party that wants to have its candidates appear on the primary election ballot for President of the United States must select its delegates to its national convention as provided in IC 3-10-4.5.**

SECTION 7. IC 3-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 4.5. Selection of National Convention Delegates by a Major Political Party

Sec. 1. This chapter applies to a major political party of the state that wants its candidates for President of the United States to

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appear on the primary election ballot.

Sec. 2. (a) Not later than the first Tuesday in February, the state party chairman or the state party chairman's designee must convene a convention in each Indiana congressional district.

(b) The conventions held under this chapter may convene on the same day or on different days, as determined by the state party's rules.

(c) The delegates:

(1) must include the precinct committeemen of each precinct in the congressional district; and

(2) may include other individuals as determined by the state party's rules.

Sec. 3. (a) At a district convention held under this chapter, the state party shall elect at least fifty-percent (50%) of the number of delegates the state party is entitled to send to its national convention. The state party may select the remainder of its national convention delegates at the party's state convention.

(b) The number of national convention delegates elected at each district convention shall be determined by the state party's rules.

(c) A district convention held under this chapter may conduct any other business permitted by the state party's rules.

Sec. 4. An individual must do the following to eligible to be a candidate at a district convention for national convention delegate:

(1) Sign a declaration that states the name of the candidate for President of the United States the individual will support at the party's national convention if elected.

(2) File the declaration with the presiding officer of the district convention before the district convention convenes, as provided in the state party's rules.

(3) Comply with other rules adopted by the state party.

Sec. 5. After all the district conventions of a state party are held under this chapter, the state party chairman must certify in writing the following:

(1) That the state party has complied with this chapter.

(2) The number of delegates the state party is eligible to send to the party's national convention.

(3) The number of national convention delegates elected at district conventions held under this chapter.

(4) The date, time, and place of each district convention held under this chapter.

(5) The following information for each delegate to the party's national convention elected at each district convention.

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(A) The delegate's name and address.

(B) The name of the candidate for President of the United States whom the delegate has pledged to support at the party's national convention.

Sec. 6. A state party chairman shall provide a copy of the certificate made under section 5 of this chapter to any candidate for President of the United States who:

(1) is affiliated with the state party chairman's national party; and

(2) makes a request under IC 3-8-3 to be placed on the primary election ballot for President of the United States.

Sec. 7. A major political party of the state may adopt rules consistent with this chapter concerning the following:

(1) The manner of calling district conventions under this chapter.

(2) The rules of the district conventions.

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